

MINUTES
KITTY HAWK TOWN COUNCIL
Monday, January 9, 2012
Kitty Hawk Town Hall, 6:00 PM

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Ms. Amy Montgomery, Director of Community Outreach, The Outer Banks Hospital, *Couch to 5K Challenge*
5. Public
6. Consent Agenda
 - a.) Approval of Minutes: December 5, 2011 Regular Meeting
 - b.) Revenues and Expenses Report for November 2011
 - c.) Police In-car Cameras
7. Items Removed From the Consent Agenda
8. Public Hearing
 - a.) Text Amendment: Proposal to amend Section 42-1, *Definitions*, and Section 42-577, *Signs Allowed on Private Property With and Without Permits*, of the Kitty Hawk Town Code to establish standards for the use of commercial and noncommercial flags.
9. Return to Regular Session
10. New Business
 - a.) Resolution for Survey and Appraisal of 3907 N. Virginia Dare Trail (Parcel No. 018215000)
 - b.) Nomination for Coastal Resources Commission's Coastal Engineering and At-Large Positions
 - c.) Incentive for Employees who Participate in the Outer Banks Town Employee *Couch to 5K Challenge*
11. Reports or General Comments from Town Manager
 - a.) Congratulations to Code Enforcement Officer/Fire Code Inspector Ben Alexander
 - b.) FY 12-13 Budget Schedule
 - c.) Sandy Run Park Phase II Update
 - d.) Widening of W. Kitty Hawk Road and Multi-Use Path Update
12. Reports or General Comments from Town Attorney
13. Reports or General Comments from Town Council
14. Public Comment
15. Adjourn

COUNCIL MEMBERS PRESENT:

Mayor Clifton Perry, Mayor Pro Tem Gary Perry, Councilman Ervin Bateman, Councilwoman Emilie Klutz, and Councilman Richard Reid

STAFF MEMBERS PRESENT:

Town Manager John Stockton, Town Clerk Lynn Morris, Town Attorney Steve Michael, Planning Director Joe Heard, Police Chief David Ward, Public Works Director Willie Midgett (Fire Chief Lowell Spivey absent)

1. CALL TO ORDER

Mayor Perry called the meeting to order at 6 PM and welcomed everyone to the meeting

2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Following a moment of silence the Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA

Councilman Bateman made a motion, seconded by Councilwoman Klutz, to approve the agenda. It passed unanimously, 5-0.

4. DIRECTOR OF COMMUNITY OUTREACH FOR THE OUTER BANKS HOSPITAL

Amy Montgomery, Director of Community Outreach: *Thank you for having me here this evening. I am going to say a few things about the hospital and then I am going to tell you about the "Couch to 5K" challenge.*

The Outer Banks Hospital is a non-profit hospital and to enjoy the non-profit status through the IRS the hospital does quite a bit of community benefitting and community outreach. In 2011 the hospital gave \$4.4 million in charity care to local residents. The hospital has a charity care policy that states anyone 200% or below the federal poverty level receives free care. Also, we assumed \$7.5 million dollars in bad debt for folks who came in and for whatever reason could not pay their bill.

We are a non-profit hospital and we are also a top notch hospital. I am proud to tell you that The Outer Banks Hospital, your community hospital, is one in 405 hospitals nationwide, and one in 13 in the State, given the top award called "The Top Performer Award" from JCAHO (Joint Commission on Accreditation of Healthcare Organizations). It is a national organization that accredits hospitals nationwide. We also have patient safety on our minds. We have been 560 days without a serious safety event at The Outer Banks Hospital. That is pretty unheard of across the industry. And in talking about economics, last year \$19.3 million in salaries and benefits went out into the business community. Needless to say, I love the Outer Banks and am proud of our resources including our local hospital.

As the Director of Community Outreach I have the distinct privilege of taking the resources of the hospital out into the community to further benefit and help our local residents. The history of the "Couch to 5K" challenge was ... I am into running, and you may know me from being here a couple of years ago talking about the marathon. I have pulled the wellness coordinators together from the local towns and asked what is something we can do to help improve wellness? Melody, your wellness coordinator, was really involved in this process and we decided to do a "Couch to 5K" challenge. The hospital is going to pay for the registration for employees. There is a "comp code" to sign up on-line at Outer Banks Marathon.org, First Flight 5K. The course is around the Wright Brothers Memorial on Saturday, April 21st. The hospital is paying for the

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registration fee for that event for employees or any of you who want to sign up and run as well. There is also a tech training T-shirt for them to train in. We are also inviting them to lunch on February 9th to provide training resources because anyone who has been sitting on the couch and has not participated in a 5K running event may be interested in training.

The "Couch to 5K" is a downloadable "app" you can get on a cell phone. An interesting fact that some of you may not know about is it is a national program that you can download on a cell phone to train you on how to run a 5K. The developer of the program is a local boy who graduated from Manteo High School. His name is Josh Clark and his mother is the curriculum specialist for secondary schools in our school system, Nancy Griffin.

The local town employees "Couch to 5K" challenge has been launched. Melody has a comp code for your employees to sign on for free and then on February 9th we will have everyone to the hospital for lunch anytime between 11:00 am and 2:00 pm. They can get their shirt, get some training resources, and then we will see them on April 21st at the First Flight 5K. We are really excited about it. Are there any questions?

Bateman: *Do you have to go to the luncheon?*

Montgomery: *No, but you will enjoy the food and the company if you come. You do not have to come to the luncheon to participate. If you do not come and get your shirt that day we will be sure to get it to you some other way.*

Bateman: *This is a competition between the towns?*

Montgomery: *It is. We are having a competition for the fastest town that would be the average of all the times from all of the participants in the town and then the slowest town. Those are our two main trophies. We are also going to give a medal or trophy to the first female finisher and the first male finisher overall and then we will have the town challenge.*

Montgomery: *Thank you for encouraging your employees to participate. I have already heard a little feedback. Employees are asking if their families can participate and hopefully for some employees this will turn into a family event. We are really excited about it.*

MPT Perry: *I was fascinated by the facts and figures you gave about the hospital. Especially about it being non-profit and the people that benefitted. That was impressive and I did not know it was a non-profit hospital. That was good information. Thank you for sharing it.*

Klutz: *I want to give some feedback. On a couple of occasions I have been to The Outer Banks Hospital with people in my neighborhood and I was really impressed with the care that surrounded those events.*

Montgomery: *Thank you.*

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5. PUBLIC COMMENT. The General Public is invited to address the Town Council on any topic. Please sign up with the Town Clerk before the meeting and when your name is called, come forward and speak into the microphone at the podium. Please limit comments to 3 minutes.

There were no speakers.

6. CONSENT AGENDA. Items on the Consent Agenda are considered to be non-controversial, routine in nature or items not requiring a presentation to or discussion by the Town Council in order to consider the item(s). Any item may be removed for discussion by council or by any member of the audience who wants to hear the item presented and discussed.

a.) **Approval of Minutes.** December 5, 2011 Regular Meeting. *(An affirmative vote for the Consent Agenda will approve these minutes.)*

b.) **Revenues and Expenses Report for November 2011.** *(An affirmative vote for the Consent Agenda will acknowledge this report.)*

c.) **Police In-car Cameras.** Police Chief Ward is requesting Capital Improvements Plan funds approved in the FY-11-12 budget be released for the purchase of three in-car cameras in the amount of \$12,600. *(An affirmative vote for the Consent Agenda will approve this request.)*

MPT Perry made a motion to approve the consent agenda. Councilwoman Klutz seconded and it passed unanimously, 5-0.

7. ITEMS REMOVED FROM THE CONSENT AGENDA

There were no items removed.

8. PUBLIC HEARING

Councilman Reid made a motion to go into public hearing. The motion was seconded by MPT Perry and passed unanimously, 5-0.

a.) **Text Amendment:** Proposal to amend Section 42-1, *Definitions*, and Section 42-577, *Signs Allowed on Private Property With and Without Permits*, of the Kitty Hawk Town Code to establish standards for the use of commercial and noncommercial flags.

Joe Heard: *This is a proposal for a text amendment that would amend two sections of the town's ordinance. Section 42-1, Definitions, and Section 42-577, which deals with signs allowed on private property. The intent of this came about a few months ago when the council received some public comment and asked staff to work with the planning board to take a look at our standards for the use of flags in the town. We quickly became aware there were a lot of different iterations the board needed to look at if they really wanted to develop a comprehensive ordinance that would deal with all of the different types of flags we are seeing in today's business world. At their meeting on November 17th, the planning board made a recommendation and forwarded the draft ordinance to council.*

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One of the things you will note is there are two different ways to look at this as far as the types of flags. They are broken down by different physical types of flags and it is also broken down by the use of the flag; whether it is a government flag or a business flag as well. There are two different things and they overlap. They are not ... those are not distinct differences. In looking at the different types of flags you could have a standard flag on a flagpole that could be used for business purposes or it could be used for government purposes flying an American flag or a State flag. You could have a ... we are referring to in the ordinance a banner flag which is intended to encompass the great variety of newer flag products that you see popping up along US 158 in particular. That could again be either a government flag or a business flag. I just wanted to be sure that you are aware they broke it down in different ways.

The board is recommending there be no more than one flagpole, one standard or nautical flagpole, on a single property. We are aware there would be at least one property in the town that this would create a non-conformity which is the Hilton Garden Inn. It has three poles on it right now. Obviously that situation would be grandfathered should it be adopted with this wording. Flagpoles could not exceed 40' in height. That is the current standard in the ordinance and they did not propose a change to it.

Looking at the types of flags, government flags will not exceed 60 square feet and again that is the current standard and no change is proposed. The board is recommending that no more than three flags be flown from a standard flagpole. The thought being you could have an American flag with a State flag under it and then a business flag underneath that if the business chose. In looking at the nautical flagpoles, the T shape poles, because of the additional opportunities, they created an allowance for no more than four flags from that type of flagpole.

For commercial purposes there would be a limit of one business flag per property. There would only be one flag that could identify a business or some other aspect of the business such as "Flags on Sale" now. They would be limited to one flag for that business purpose. All other flags would either have to be governmental flags or some type of decorative flag that may be ... drew attention but it was not advertising a product. In looking at the newer style of flags, the smaller ones, they are recommending there be no more than a total of one flag per 25 linear feet of street frontage. You may have observed "Wings" and it is exactly that standard. The flags are a little closer together, they are 22' apart but they also have driveways where they are further apart so "Wings" has exactly the amount of flags this would permit. If you want to see a maximum scenario of the use of the flags, that is a good example.

As far as the size of other than government flags the board is recommending business flags be limited to no greater than 24 square feet. That is a standard size for flags in the industry and they felt in light of the type ... the size of other business signs that are allowed the board felt that was the most appropriate standard among the standard sizes that were available. The banner flags, which again are the other ones shaped like blades or vertical banners, could be no larger than 30 square feet in size and no higher than 10' in height. They could possibly be as high as 12' if you include the mounting device in the ground.

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In looking at the size of flags that would be flying from a flagpole the board looked at what other communities were doing. They liked using a percentage. The flag has to be a percentage of the height of the flagpole. It cannot be any larger than 25% of the height of the flagpole. If there is a 40' high flagpole the flag could be no taller than 10' in height. We sought a good amount of input from our local vendor, Islander Flags, and also had a discussion with Kitty Hawk Kites. Islander Flags in particular emphasized maintaining appropriate proportions for flags when they are used. The board looked at flag dimensions and which ones seemed to fit that proportion the best. There is one caveat. Since we do not allow anything currently greater than 60 square feet for a 40' flagpole the appropriate standard would actually be larger than that but that is the maximum we are allowing. They stayed with that maximum.

The ordinance also contains some other standards as far as location in terms of having a setback where a flag would not be in a position where it could end up flapping over an adjoining property or a public right-of-way. It would have to be set back an appropriate distance so it could not do that. There was not a specific distance mentioned because it would depend on the size of the flag.

The only other thing is there is a basic, general standard regarding the maintenance of flags. The town could enforce it if somebody had flags that were raggedy or not in good shape. The town could get those taken down if it became an eyesore.

Klutz: *I want to confirm with you that when you say no more than one standard flagpole on a single property such as a shopping center, it is not the space that is in front of individual businesses.*

Heard: *That is correct. That is why it is worded "one per property" not "one per business." The business flags are allowed one per business and are specifically limited in the proposal to one per property.*

Klutz: *Was any thought or discussion given to large properties like the big shopping centers with Wal-Mart and Harris Teeter? If those big businesses were interested in putting flagpoles out there to fly the flag it still would be just one for that property.*

Heard: *At the board meeting I do not recall any specific discussion of that point. I am sure the members thought about those things but I do not recall that specific point being raised.*

Reid: *This says all properties so it includes residential properties in neighborhoods? The reason I raise that is in the past we basically dealt with flags on commercial properties. We did not really restrict flags in the residential communities because some people may want to put up their school flag and a U.S. flag.*

Heard: *This would potentially apply to all. If the intent is only to deal with certain districts or uses that would be something we would want to clarify. We would have to make an amendment to it.*

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Reid: *My second point, and I may be wrong on this, but my recollection is we did not have much restriction on flags but I believe there was language in the code that says "if a company put their name or had some form of advertising on the flag that it was included in the calculations for their signage."*

Heard: *That would be how we would apply it presently. That is correct.*

Reid: *That does not change? In other words if you put a flag up at "Wings" and it was a colored flag with stripes or something it would not count. It would not matter and would not come under this. But if you put "Wings" on it and put a dozen flags in front of the property then the dozen times it says "Wings" was measured and counted against their sign requirements because then it becomes a sign.*

Heard: *The board further defined a definition for a business flag. To clarify what type of flag that is and it mentions exactly what you talked about. This would be in addition to the allowed signage that is already in place. For instance a business could have a free standing sign that is as large as 48 square feet in size and then this would be in addition to that. That is the way this is set up.*

Mayor Perry: *But they could only have one flag.*

Heard: *They could have one business sign and one flag.*

Reid: *Does it say they can have banners every so many feet?*

Heard: *Under item 4(c) it specifically says only one business flag can be flown per business on the property containing the business. They could not have multiple ... that is a catchall and it limits them to one. They could choose to use one of those types of feather flags or they could choose to make that a more standard flag but they can only have one per business on a property. The other ones would have to be decorative. They could not be business flags.*

MPT Perry: *Following up on the text on a flag, if a banner flag says "open" or something of that nature, where does that fall?*

Heard: *That is where we get businesses pushing the envelope and I do not know if there is a great way to ... no matter what we write there is going to be some gray. There is going to be some point of demarcation that will have to be made. In the past we have allowed a business to put "open" and not treated that as a ... because it did not specifically describe a product it does not have the name of the business or describe a product or service that they are offering.*

Mayor Perry: *Not only that, it offers the person who is looking to see if it is open or closed.*

Heard: *That was part of the interpretation that was made because the town allows other types of "open" and "closed" signs. We have specifics for neon "open" and "closed" signs that do*

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not count toward the business signage and things like that so that is part of the reason the interpretation was made.

MPT Perry: *I have another question and it deals with maintenance and good repair. It goes in two directions and one deals with private property. And I want to stay away from non-business. Private property is private property. This should reflect business and I agree with that so whatever change we need there I think we should do it. But how, and this is probably a lawyer question, how do we determine what is raggedy and what is not? "Wings" is a good example. You have used it and we will go there because all of those banners really need to be replaced. Would that be one the town, under this ordinance, could enforce?*

Michael: *It is sort of like pornography, you know it when you see it. You do not have any real standards that you can apply but when you talk about the edges being frayed or they are in need of repair that is about as good as you are going to get. When you talk about the U.S. flag there are standards out there that you can look to. When you should retire the flag and replace it. So there are things out there you can look at but I do not know how you write that into this ordinance for all of these other flags we are talking about.*

Mayor Perry: *I do not either. I was in charge of flying flags when I was in the service and it really got changed when the captain said change the flag. But other times it would ... you know we would fly them and stretch it a little because you are out on a ship and they would get beat up quickly. You could tell when it was beyond being a little frayed. It is when it begins to rip ... but this interpretation thing that somebody's got to deal with ... you would not want it to stay out there in my opinion if it is half gone. There comes a time ...*

MPT Perry: *But at present we do not have any standard towards ripped at all and this will give us something to work with.*

Klutz: *Would it be enforced on the "No Swimming" flags at the oceanfront?*

Bateman: *Something I have found with the American flags is we have enough people on the Outer Banks that will come in and tell me I need to take that flag down and put another one up. And of course that is the next thing I do on my agenda that day. It is not something I do every day, look at those flags. But you do try to have one that is in great shape up there all the time. And I am not in favor of doing this on private property at all.*

Klutz: *I think we need to specify commercial property.*

MPT Perry: *Are we getting ahead of ourselves? We are still in public hearing.*

Mayor Perry: *Does anyone wish to speak at the public hearing? Anybody? Let the record show that no one came forward.*

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9. RETURN TO REGULAR SESSION

a.) Council action for 8 (a) may include approval, denial, approval with modifications, or tabling action.

Councilman Bateman made a motion, seconded by MPT Perry, to go back into regular session. It passed unanimously, 5-0.

MPT Perry: *I want to pass it but eliminate the private property. How do we do that Steve?*

Michael: *You can do it by saying this applies only in the commercial districts in the town or you can say this does not apply in the residential districts. Either of those options.*

Mayor Perry: *And where we have somebody that has three flagpoles, we want to grandfather them. Is that correct?*

Reid: *The original sign ordinance when I came had language in it that said by a certain date all the signs in town would have to be brought into compliance. The council, way past that date, decided to remove that language and I think it was removed from the sign ordinance. I am not sure what grandfathering language still exists but I think we have taken the position historically that if something exists prior to the creation of the ordinance it is grandfathered. Then once it is replaced it would have to be brought up to code.*

Klutz: *You would not want to have people having to take flagpoles down.*

Mayor Perry: *No, but if they rust out and they remove them then they would have to meet the ordinance. That is my understanding.*

Klutz: *That needs to be in there.*

Mayor Perry: *Is that pretty much the way it is?*

Michael: *Yes.*

Councilwoman Klutz made a motion to amend Section 42-1 and 42-577 of the Kitty Hawk Town Code to establish standards for the use of commercial and non-commercial flags on commercially zoned properties. Also a provision is added to grandfather the existing flags on commercially zoned properties in the town. Town Council finds this amendment to be consistent with the town's adopted CAMA Land Use Plan and in the public interest by allowing the broader use of flags to promote local businesses and organizations. Councilman Reid provided a second. MPT Perry added he read through the minutes from the planning board meeting and the members, staff, and attorney put a great deal of thought into this subject and was very pleased to see it. There was a lot of good information. Vote was unanimous: 5-0. (Ordinance No. 12-01)

10. NEW BUSINESS

a.) Resolution for Survey and Appraisal of 3907 N. Virginia Dare Trail (Parcel No. 018215000)

Stockton: *At the December council meeting it was determined that Attorney Michael would communicate with the owners of the parcel 3907 N. Virginia Dare Trail to obtain the access easement across that property. Subsequent to the December 5th meeting Steve sent a letter to Ms. Shirley Baggett and Mr. Robert Hall co-owners of the referenced property. The letter sent to Ms. Baggett was returned, undeliverable, and the town did not receive a response from Mr. Hall.*

This resolution allows the staff to conduct a survey and appraisal of the property for both an easement and for the entire parcel. When the information is presented at the February 6th council meeting council may decide if they wish to condemn the entire parcel or just a 15' easement. We are asking whether or not council wishes to pursue the entire property or just a 15' easement and is in agreement with pursuing the survey and appraisal.

Mayor Perry: *I am glad we did it this way because we can further look into the situation. See what the property looks like, how wide it is, and the value. At that time we could make a more educated decision I think. This in no way changes anything except we move on to being able to determine the size of the lot and the value of it.*

Klutz: *We are not deciding tonight whether we want to condemn the whole parcel or an easement are we? We are deciding whether to survey the property in terms of the placement of the easement on the property and find out the value of the whole parcel or the easement. At the next meeting, once this information is obtained, I think it would be good if we at least make a call to see if the owner would like to pursue selling the property or deal with the easement. If we cannot get any information from him on that preference then we make the decision without it. But it would be nice if we could get some input from him ... since we have not heard anything from him at this point the council is moving ahead with some sort of a condemnation.*

Mayor Perry: *After we get this information we can make a better judgment as to what we want to do. After the next meeting, if we were to make a decision, he will still have the option for two months.*

Michael: *If we get all the information and we have not heard from anybody, at the next meeting you can make the decision to go forward. The next step would be to decide to condemn the entire property or only an easement on it. We will send notice to the owners again at that point. You have to give them 30 days notice before you actually file the condemnation. That council is going to proceed with condemnation of your property or for an easement through your property. This is how much we estimate that piece of property or easement to be worth and you give them all of those options and get them that notice ...*

Klutz: *Do we give them the options or do we say ...*

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Michael: *You decide which you are going to do and tell them this is what we intend to take, this is how much we think it is worth, and they have 30 days in which to respond before we file a condemnation at that point.*

Klutz: *If we went with the two choices, the easement or the whole property at the next meeting, and if Mr. Hall provided some input that we could go along with, what he would like to do if ... I am thinking if the easement shows up right in the middle of the property, I am sure that having an easement would be just as unpalatable to the owner as the whole property ...*

Mayor Perry: *I think the easement will be on the north end of the property.*

Klutz: *If it is on the property line then just the easement might be the preferred option.*

Michael: *That was one of the reasons to get the survey.*

Klutz: *I know it has been very frustrating trying to get any kind of answer but it would be nice if we could get some sort of input from the property owner.*

Mayor Perry: *That is what he is saying we can do at our next meeting.*

Michael: *You can stop the process at any time if you come to some agreement with the owners. At the next meeting you will need to make that decision. You have to send him notice that we are going to take the property and we think it is worth this much. He has 30 days to respond to us. You have not filed a condemnation at that point in time.*

Klutz: *When we send out the letter that we vote on at our next meeting do we tell him we have already made the decision. It is either the whole parcel or the easement?*

Michael: *Yes, you will need to make that decision.*

Klutz: *Can we send him a letter that says here is what the assessment is for the easement and for the whole parcel. Which would you prefer?*

Michael: *He can come back to you and say I will give you the easement for this amount of money or I will give you the whole property for this amount. That is still on the table. It does not prevent you from doing that.*

Mayor Perry: *For 30 days.*

Michael: *You will need to select your option. And assuming you get no feedback then that is the option you will go with.*

Klutz: *We would have to select at the next meeting whether it is the whole parcel or an easement and the content of the letter to this person will be giving what the options are.*

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Michael: *That is correct. We will send them the appraisals and the survey. We will send everything to him.*

Mayor Perry: *Also, no matter how that comes out we still have the other party we have to do the same thing with.*

Bateman: *The sad thing is we have wasted about a year and a half to two years on this and we still have not gone anywhere. And Emilie I am with you. We want to give him every opportunity but ...*

Klutz: *I think a part of it that really bothers me is I just never felt that putting the sidewalk in was going to get us to the place where we had to condemn somebody's property. From the discussion that I remember we said it would ... we were going to put the sidewalk in because it was safer.*

Mayor Perry: *If you do not want this I suggest you not vote for it.*

Klutz: *I understand.*

Mayor Perry: *That is your prerogative and I respect that. We do not all have to agree with it. I want you to have peace about it just like everybody else making their decision but tonight this motion is for gathering more information so we can make a better decision next month.*

MPT Perry: *In addition to the information that will be supplied by the survey it will also tell us how much of the actual property remains private which we do not think is very much to start with. And once the owner that we can reach knows that he only has 10% of the whole lot left, it may impact his thinking. So with that I am going to make a motion: **I move for approval of the attached resolution authorizing the town manager to have the property (easement) surveyed and appraisal for property and easement completed for parcel 018215000, 3907 North Virginia Dare Trail and report back to council at the February 6, 2012 town council meeting for consideration of condemnation. Councilman Reid seconded the motion and it passed unanimously, 5-0.***

b.) Nomination for Coastal Resources Commission's Coastal Engineering and At-Large Positions

Manager Stockton noted the mayor received a letter from the Governor's Office pertaining to two vacancies on the Coastal Resources Commission and soliciting nominations to fill them. He talked with County Manager Bobby Outten to find out if the county had anyone they were considering and as of today the county has not made a decision. He asked if council has anyone in mind, and if not, is council willing to support any nominations put forth by the county. The nominations have to be in by January 15th.

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Council discussed in years past they have endorsed nominations from other towns or the county but since there were no nominations at this time they would pass on this item at this time.

c.) Incentive for Employees who Participate in the Outer Banks Town Employee Couch to 5K Challenge

Manager Stockton reported the hospital has proposed and arranged to have this competition for all the towns. Staff has been thinking of ways in which to possibly get better participation. The Town of Manteo is giving participating employees a day of annual leave and sick leave. Staff is suggesting a half a day of leave as an incentive.

Mayor Perry said he personally thought it would be good and had suggested to the manager a log be kept of the employees participating and not put the time on the books. When they wanted their half day off let them take it off.

MPT Perry asked if participation means just the run or does it include some sort of a training program. How many half days off does one get for training?

Manager Stockton said it is just one half day for participating in the walk/run itself on April 21st. If they participate in that then they would be allowed to take the time off.

Councilwoman Klutz asked if this is a one-time event or are there going to be several events like this during the year.

Manager Stockton said this would be just for this one event.

Council discussed the benefits of this for employees and concurred to allow employees that participated in the run to have a half day off.

11. REPORTS OR GENERAL COMMENTS FROM TOWN MANAGER

a.) Congratulations - Manager Stockton congratulated Ben Alexander, Code Enforcement Officer and Fire Code Inspector. He is a certified Zoning Official in the State of North Carolina after taking the course and passing the exam offered by the UNC School of Government.

b.) FY 12-13 Budget Schedule - Manager Stockton said the budget meeting schedule for the FY 2012-2013 budget is out and the first workshop is scheduled for Wednesday, February 22nd. If there are any conflicts with the schedule please let him know. It is flexible and changing a date is not a problem.

c.) Sandy Run Park Phase II Update - Manager Stockton reported the Sandy Run Park, Phase II, project continues. The contractor has completed a good portion of the boardwalk on the south end and about a third of the boardwalk on the north end. The kayak tie-up facility and the observation deck is also pretty much completed. It seems to be on schedule and staff continues

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to meet with the contractor on a monthly basis. It looks as if the project will be completed by the middle of February.

d.) Widening of W. Kitty Hawk Road and Multi-Use Path Update **and Flyover* - Manager Stockton said he recently received an email from Matt Wood, the town's representative on the NCDOT Transportation Board. Two projects have been submitted for consideration in the Transportation Improvement Plan (TIP). One was widening of West Kitty Hawk Road from Bob Perry Road and from Twiford Street to Ivy Lane. The other project was to construct a multi-use path between The Woods Road and Twiford Street on West Kitty Hawk Road. He attended the regional planning meetings for the projects and they were on the list that was submitted to the division office for review. The projects are reviewed by Mr. Wood and then sent to Raleigh. Mr. Jennings of the division office indicates the draft TIP will be released this spring and summer and the final approval will occur in June and July of 2013.

In relation to that he also received a listing of Division I projects from Mr. Wood. It indicated the project for a flyover at the US 158 and NC 12 intersection is still part of the TIP. When the area meeting with the Albemarle RPO was held they were told the project would be removed from the listing. At the recent meeting pertaining to projects there was a new TIP listing and the flyover project was a part of it. Southern Shores and the county are also confused as to whether or not DOT intends to continue with that project. This was something put in the transportation plan years ago and it continued to be considered on an annual basis. Now that the mid-Currituck bridge is going in he asked if council wants to reconsider the project. The county has indicated they would support the towns.

It was a council consensus they would not like to have a flyover if the mid-Currituck bridge is going to be built. It was decided to leave it alone for the present until Mayor Perry meets with other mayors and it is certain the bridge will be built.

12. REPORTS OR GENERAL COMMENTS FROM TOWN ATTORNEY

Attorney Michael did not have anything further for council.

13. REPORTS OR GENERAL COMMENTS FROM TOWN COUNCIL

Dare County Transportation Survey - MPT Perry added he saw information today about a comprehensive transportation planning survey. It can be taken on-line through "surveymonkey" and encouraged all citizens of Kitty Hawk to participate. It basically deals with the US 158 corridor and what is wanted there.

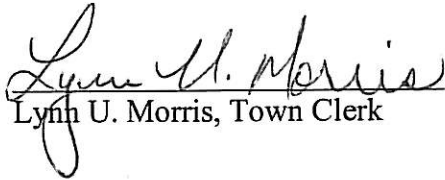
14. PUBLIC COMMENT

There was not public comment.

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15. ADJOURN

MPT Perry made a motion, seconded by Councilman Reid, to adjourn. It passed unanimously, 5-0. Time was 7:12 p.m.


Lynn U. Morris, Town Clerk


Clifton G. Perry, Mayor

These minutes were approved at the February 6, 2012 council meeting.